

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

WP(C).No. 3942 of 2007(T)

PETITIONER:

**M/S. PRIME FISHERIES PRIVATE LIMITED,
13/711, KOCHANGADY, KOCHI-682 005, REPRESENTED BY
ITS CHIEF OPERATING OFFICER, MR.GEORGE PHILIP.**

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENTS:

- 1. CENTRE OF INDIAN TRADE UNION (CITU),
MATTANCHERRY, KOCHI, REPRESENTED BY ITS
LOCAL SECRETARY.**
- 2. KERALA HEAD LOAD WORKERS WELFARE BOARD,
MATTANCHERRY LOCAL COMMITTEE, INDIAN CHAMBERS ROAD
MATTANCHERRY, KOCHI, REPRESENTED BY ITS CONVENOR.**
- 3. ASSISTANT COMMISSIONER OF POLICE,
MATTANCHERRY, KOCHI-2.**
- 4. CIRCLE INSPECTOR OF POLICE,
MATTANCHERRY, KOCHI-2.**
- 5. SUB INSPECTOR OF POLICE,
MATTANCHERRY, KOCHI-2.**

**BY ADV. SRI.PEEYUS A.KOTTAM FOR R1
SRI.ASHIK K.MOHAMMED ALI
GOVERNMENT PLEADER SRI.P.A.SALIM
SRI.RENIL ANTO KANDAMKULATHY FOR R2**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1: TRUE COPY OF HACCP MANUAL.**
- EXT.P2: TRUE COPY OF SANCTION ORDER NO.7659 DATED 29.6.2006.**
- EXT.P3: TRUE COPY OF SANCTION ORDER NO.SO/6910 DATED 30.7.2005.**
- EXT.P4: TRUE COPY FO SANCTION LETTER DATED 27.5.2006.**
- EXT.P5: TRUE COPY OF PAYMENT ADVICE DATED 17.11.2006.**
- EXT.P6: TRUE COPY OF ASSESSMENT REPORT DATED 19.1.2007.**
- EXT.P7: TRUE COPY OF HEALTH CARD OF MR.BABYCHAN.**
- EXT.P8: TRUE COPY OF MEDICAL EXAMINATION RESULT DATED 23.12.2006.**
- EXT.P9: TRUE COPY OF EMPLOYEE'S HEALTH CARD OF MR.SABU K.J.**
- EXT.P10: TRUE COPY OF MEDICAL EXAMINATION RESULT DATED 23.12.2006.**
- EXT.P11: TRUE COPY OF EMPLOYEE'S HEALTH CARD OF MR.ANTONY FERNADEZ.**
- EXT.P12: TRUE COPY OF MEDICAL EXAMINATION RESULT DATED 23.12.2006.**
- EXT.P13: TRUE COPY OF EMPLOYEE'S HEALTH CARD OF MR.FERNADEZ B.J**
- EXT.P14: TRUE COPY OF MEDICAL EXAMINATION RESULT DATED 23.12.2006.**
- EXT.P15: TRUE COPY OF REPRESENTATION DATED 1.2.2007.**

//TRUE COPY//

P.A. TO JUDGE

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.
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W.P.(C) NO. 3942 OF 2007
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Dated this the 13th day of February, 2007

J U D G M E N T

KOSHY, J.

This is a petition for police protection. Petitioner is a private limited company engaged in the business of maintaining cold storage for keeping frozen seafood items for export. The headload workers under the 1st respondent were doing the loading and unloading activities in the cold storage of the company. Apart from the above cold storage, in view of the new regulations regarding export and the directions of the Marine Product Export Development Authority and Export Inspection Agency, they have constructed a 'Palletized Store' which has to be run as per directions of Export Inspection Agency and HACCP manual. The importers are very much careful about the hygienic conditions. Therefore four permanent employees who were subjected to medical check up are doing the necessary handling work in the palletized store even though most of the work is done mechanically by sophisticated machines. The four permanent workers are Babychan, Sabu, Antony Fernadas and Fernandez B.J.

2. It is the case of the petitioner that merely because

there are registered workers doing work in the old cold storage and they are doing the work in the cold storage by rotation, they cannot claim work in the new palletized store as it will violate the norms stipulated in the manual. If the work is done by mechanical process, also workers cannot be given nokku coolie. In these circumstances, in the old cold storage whenever loading and unloading work is there, petitioner should allow the same to be done by existing registered workers. With regard to the four workers who are working in the palletized store, which is running as per the exporting agencies control, should be allowed to work there without interference provided they also apply for registration under the act and scheme. Since it is a specialised work and permanent workers are employed in the new establishment, application for registration should be allowed by the statutory authority.

Writ petition is disposed of as above.

J.B.KOSHY, JUDGE

T.R.RAMACHANDRAN NAIR, JUDGE

Rp